

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YOON DOELGER and
PETER DOELGER,

Plaintiffs,

vs.

JPMORGAN CHASE BANK, N.A., and
CHICKASAW CAPITAL MANAGEMENT,
LLC,

Defendants.

No. 1:21-cv-11042-AK

**NOTICE OF SUPPLEMENTAL AUTHORITY IN FURTHER SUPPORT OF
PLAINTIFFS' OBJECTIONS TO THE REPORT AND RECOMMENDATION**

1. Plaintiffs Yoon and Peter Doelger respectfully file this notice of supplemental authority in support of their Objections to the Magistrate Judge's Report and Recommendation on Summary Judgement (Dkt. No. 390) (the "Objections").

2. After Plaintiffs filed the Objections, the Honorable William G. Young issued a 126-page opinion in *Sellers v. Trs. of Bos. Coll.*, No. 22-10912-WGY, 2024 U.S. Dist. LEXIS 66356 (D. Mass. Apr. 11, 2024) (**Exhibit A**), holding that a determination on whether ERISA fiduciaries breached their fiduciary duties involved disputed issues of fact that the court could not decide on summary judgment. Plaintiffs note there are similarities between an ERISA's duty of prudence and an investment adviser's duty of care/suitability obligations.

3. In addition, Plaintiffs respectfully direct the Court to the "Epilogue: A Brief Reflection on Summary Judgment" beginning on page *114, which contains an insightful discussion of the summary judgment standard that could readily describe the circumstances of this case.

Dated: New York, New York
June 14, 2024

Respectfully submitted,

YOON DOELGER and PETER DOELGER

By their attorneys,

/s/ James R. Serritella

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CERTIFICATE OF SERVICE

I certify that on this date the foregoing notice was filed electronically with the Clerk of the Court by CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of this Court's CM/ECF electronic filing system. Parties may access this filing through the Court's system.

Date: June 14, 2024

/s/ James R. Serritella
James R. Serritella